



Agenda Date: 3/16/06

Agenda Item: III E

STATE OF NEW JERSEY

Board of Public Utilities

Two Gateway Center

Newark, NJ 07102

www.bpu.state.nj.us

CABLE TELEVISION

IN THE MATTER OF PATRIOT MEDIA AND	
COMMUNICATIONS CNJ, LLC FOR APPROVAL OF	
THE FILING OF AN AGGREGATED FCC FORM 1205)
FOR BOTH OF ITS NEW JERSEY SYSTEMS)
DETERMINING REGULATED INSTALLATION AND)
EQUIPMENT COSTS USING THE OPTIONAL	
EXPEDITED RATE PROCEDURES)
	ORDER ADOPTING
	STIPULATION
	DOCKET NO. CR05111001

(SERVICE LIST ATTACHED)

BY THE BOARD:

On November 30, 2005, Patriot Media and Communications CNJ, LLC. ("Petitioner") filed Federal Communications Commission ("FCC") Form 1205, Docket Number CR05111001, seeking approval by the Board of Public Utilities ("Board") for certain changes in its regulated installation and equipment costs affecting both of its regulated rate districts in the State of New Jersey pursuant to the Cable Television Consumer Protection and Competition Act of 1992, 47 U.S.C. § 543 et seq., and provisions of the New Jersey Cable Television Act, N.J.S.A. 48:5A-1 et seq.

The Board, at its public meeting on January 10, 1996, in Docket Number CX95120636, approved the implementation of Optional Expedited Rate Procedures for the processing of certain filings made with the Office of Cable Television. The intended purpose of these procedures is to grant final rates as quickly as possible to any cable company that chooses this process. In the spirit of cooperation based on the principles of Alternate Dispute Resolution, the discovery content is limited, thereby reducing the timeframe for settlement.

Petitioner chose to pursue its filing with the Board through the approved procedures. To that end, a pre-transmittal conference was held on January 6, 2006, and attended by representatives of the Petitioner, the Division of the Ratepayer Advocate ("Ratepayer") and Board Staff. The Petitioner agreed to waive its Office of Administrative Law ("OAL") litigation rights for this matter. It should be noted that the Petitioner's waiver was a knowing, voluntary and intelligent waiver of its litigation rights at the OAL and that the waiver did not constitute a circumvention of the FCC rules nor did it affect Petitioner's right to appeal in that forum.

The Petitioner notified its customers of the rate changes by way of newspaper announcements informing them of their opportunity to submit written comments to the Board for a period of thirty days. The notices appeared in the Hunterdon County Democrat, the Chatham Courier and The Observer-Tribune on January 5, 2006, The Princeton Packet and the Courier News on January 6, 2006 and The Messenger Gazette on January 14, 2006. No comments or resolutions were received as a result of these public notices.

After review by Staff and the Ratepayer of the supporting documentation, schedules and other discovery requests, a settlement conference was held on January 12, 2006. On February 22, 2006, the parties entered into a Stipulation of Settlement.

The Board has reviewed the Stipulation of Settlement and FINDS it to be reasonable, in the public interest and in accordance with the law. Therefore, the Board HEREBY ADOPTS the Stipulation of Settlement (attached hereto) as its own, incorporating by reference the terms and conditions therein as if fully set forth at length herein.

The Board FURTHER ORDERS that, subject to the ongoing review before the Federal Communications Commission, should these cable systems, or any part thereof, merge and/or migrate to another system, be upgraded and/or rebuilt, its ownership or control be otherwise sold or transferred to another entity, the basic service tier rate that will be eliminated or superseded as a result of the merger, migration, upgrade, rebuild, sale or transfer must be "trued-up" [47 C.F.R. § 76.922 (e) (3)]. The final true-up for the affected systems, or any parts thereof, should be calculated on FCC Form 1240 and begin where the last true-up period ended on its prior FCC Form 1240. This true-up calculation should be filed with the Board when all the affected subscribers are being charged the rate resulting from the merger, migration, upgrade, rebuild, sale or transfer and may be filed in conjunction with the annual rate adjustment cycle (Form 1240) established as a result of said merger, migration, upgrade, rebuild, sale or transfer.

The cable systems, or any part thereof, may be subsequently deregulated as a result of a finding by the Board, the FCC or other party of competent jurisdiction that these systems or any portion thereof, is subject to effective competition. Should that occur, the last basic service rate established as a result of a prior FCC Form 1240, or such subsequent rate calculation method as may be heretofore adopted by the Board, the FCC or any other party of competent jurisdiction, prior to the deregulation of any rate that is now or may in the future be subject to the Board's jurisdiction, must be trued-up for the period of time that the affected rates were subject to regulation by the Board.

The above referenced true-up procedure does not exclude any cable system party to this order.

DATED: 3/22/06

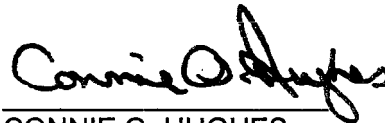
BOARD OF PUBLIC UTILITIES
BY:



JEANNE M. FOX
PRESIDENT




FREDERICK F. BUTLER
COMMISSIONER



CONNIE O. HUGHES
COMMISSIONER

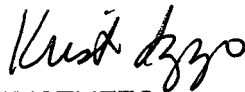


JOSEPH L. FIORDALISO
COMMISSIONER



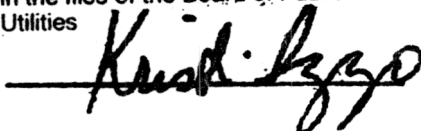
CHRISTINE V. BATOR
COMMISSIONER

ATTEST:



KRISTI IZZO
SECRETARY

I HEREBY CERTIFY that the within
document is a true copy of the original
in the files of the Board of Public
Utilities



IN THE MATTER OF
PATRIOT MEDIA AND COMMUNICATIONS CNJ, LLC.
FCC FORM 1205 USING THE
OPTIONAL EXPEDITED RATE PROCEDURES

DOCKET NUMBER: CR05111001

Jonathan P. Cahill,
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Patriot Media & Communications CNJ, LLC.
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Somerset, New Jersey 08873

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Gloria Furlong
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Administrative Analyst 2, Accounting
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Department of the Public Advocate
Division of Rate Counsel
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Newark, NJ 07102

Andrea Crane
The Columbia Group
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IN THE MATTER OF PATRIOT MEDIA)
AND COMMUNICATIONS CNJ, LLC'S)
FILING OF AN AGGREGATE FCC FORM)
1205 DETERMINING REGULATED)
INSTALLATION AND EQUIPMENT)
COSTS USING THE OPTIONAL)
EXPEDITED RATE PROCEDURES)

RECEIVED
MAIN ROOM
2006 FEB 17 PM 3:27
STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES
BPU DOCKET NUMBER CR05111001

STIPULATION OF FINAL RATES

The undersigned parties, as a result of a review of the Federal Communications Commission ("FCC") Form 1205 and timely filed public comments in this matter hereby stipulate to the following findings of fact and conclusions of law for consideration by the Board of Public Utilities ("Board"); and,

As part of the Optional Expedited Rate Procedures (Approved January 12, 1996, Docket No. CX95120636), Patriot Media and Communications CNJ, LLC ("Petitioner") agreed to waive the Company's litigation rights at the Office of Administrative Law ("OAL") in this proceeding. It should be noted that Petitioner's waiver was a knowing, voluntary and intelligent waiver of its litigation rights at the OAL and that the waiver did not constitute a circumvention of the FCC rules nor did it affect the Company's right to appeal in that forum.

WHEREAS, the Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385, 106 Stat. 1460 (1992), codified at 47 U.S.C. § 543 et seq., (the "Federal Act"), classified the delivery of cable television services into two separate rate regulated categories: (i) "basic service" (consisting primarily of "off-the-air" and public educational and governmental channels) and associated equipment and installation and (ii) cable programming services ("CPS") (consisting of other regulated tiers of channels) and associated equipment; and

WHEREAS, under the Federal Act, basic service is regulated by the "franchising authority"; and

WHEREAS, under the provisions of the New Jersey Cable Television Act ("New Jersey Act"), N.J.S.A. 48:5A-1 et seq., the franchising authority is the Board; and

WHEREAS, the Federal Act required the FCC to issue regulations governing the standards to be used by franchising authorities in regulating basic service rates; and

WHEREAS, under the regulations adopted March 30, 1994, 47 C.F.R. § 76.900 et seq., a cable operator may adjust its rates by electing the annual rate adjustment system under the regulations adopted September 15, 1995 (47 C.F.R. § 76.922) by filing a Form 1240 and a Form 1205 on the same date; and

WHEREAS, on November 30, 2005, Petitioner, serving Bedminster, Bethlehem, Bernardsville, Branchburg, Chatham Township, Chester, Chester Township, Clinton, Clinton Township, Delaware Township, East Amwell, Far Hills, Flemington, Franklin Township (Hunterdon), Franklin Township (Somerset), Harding Township, Hillsborough, Lebanon

Borough, Long Hill, Mendham, Mendham Township, Millstone, Montgomery Township, Peapack/Gladstone Borough, Princeton Borough, Princeton Township, Raritan Township, Readington Township, Rocky Hill, Tewksbury and Union Township, filed an aggregate Form 1205, Docket Number CR05111001 with the Board seeking approval of regulated installation and equipment rate adjustments for its two New Jersey systems listed on the attached Schedule A for the rate cycle of March 1, 2006 to February 28, 2007. However, during this period, if Petitioner chooses to decrease these rates, with proper notice to its subscribers and the Board, this decrease will not affect the established rate cycle; and

WHEREAS, the Board Staff ("Staff") and the Ratepayer Advocate, upon review of the FCC Form 1205 filed in this matter, supporting documentation and schedules thereto agree that the proposed rates as set forth in Schedule A are just and reasonable; and

WHEREAS, Staff, the Ratepayer Advocate and Petitioner have engaged in discussions of this matter; and

WHEREAS, Staff, the Ratepayer Advocate and Petitioner have concluded that the Company is entitled to the agreed upon rates which it seeks in its FCC Form 1205 filing in this matter;

NOW, THEREFORE, Staff, the Ratepayer Advocate, and Petitioner hereby STIPULATE AS FOLLOWS:

1. Petitioner notified its customers of the proposed rate changes via newspaper announcements and has informed them of their opportunity to submit written comments for a period of thirty (30) days.
2. The effective date for the equipment and installation rates as reflected on Schedule A, under Docket Number CR05111001 is March 1, 2006.
3. The rate cycle established under Docket Number CR05111001 is March 1, 2006 to February 28, 2007.
4. These stipulated rates shall be subject to the approval of the Board and all revenues collected as a result of these rates shall be subject to refund, pursuant to the rules and regulations of the FCC as well as those of the Board if the Board finds these rates to be unjustified in whole or in part or in any way implemented improperly.
5. This Stipulation of Settlement resolves all issues raised by this filing which are the subject of the within matter.
6. The signatories agree that, except as expressly provided herein, this Stipulation has been made exclusively for the purpose of this proceeding and that the Stipulation contained herein, in total or by specific items, is in no way binding upon the parties in other proceedings before the Board or in other forums or jurisdictions, nor are the contents of this Stipulation, in total or by specific items,

by inference, inclusion, or deletion, in any way to be considered or used by another party as any indication of the position of any party hereto on any issue litigated or to be litigated in other proceedings.

This Stipulation contains terms, each of which is interdependent with the others and essential in its own right to the signing of this Stipulation. Each term is vital to the agreement as a whole, since the parties expressly and jointly state that they would not have signed the agreement had any term been modified in any way. Each party is entitled to certain procedures in the event that any modification is made to the terms of this Stipulation. That is, each signatory party must be given the right to be placed in the position it was in before the Stipulation was entered. Therefore, if any modification is made to the terms of this Stipulation, it is essential that each party be given the option, before the implementation of any new rate resulting from this action, either to modify its own position to accept the proposed changes, or to resume the proceeding as if no agreement had been reached.

The parties believe these provisions are fair to all concerned and therefore, they are made an integral and essential element of this Stipulation. This being the case, all parties expressly agree to support the right of any other party to this Stipulation to enforce all terms and procedures detailed herein.

**GLORIA J. FURLONG
OFFICE OF CABLE TELEVISION**

DATED 2/22/06

By: Gloria J. Furlong
Supervising Administrative Analyst

**SEEMA SINGH, ESQ.,
RATEPAYER ADVOCATE**

DATED: 2/22/06

By: Jose Rivera Benitez
Jose Rivera-Benitez, Esq.
Assistant Deputy Ratepayer Advocate

**PATRIOT MEDIA AND COMMUNICATIONS
CNJ, LLC**

DATED 2/17/06

By: Dennis C. Linken
Dennis C. Linken, Esq.
Stryker, Tams & Dill

SCHEDULE A

Installation Rates

Installation – Standard Never Wired	\$41.65
Installation – Previously Wire Home	\$23.43
Installation – Additional Outlet – Same Trip	\$15.62
Installation – Additional Outlet – Separate Trip	\$20.94
Reconnection of Service	\$20.94
Wallfish (per ½ hour)	\$15.62
Relocation of Outlet, same trip (interior work only)	\$15.62
Relocation of Outlet, separate trip (interior work only)	\$20.94
VCR, Picture-in-Picture Installation, same trip	\$14.13
VCR, Picture-in-Picture Installation, separate trip	\$20.94
Video Game, A/B switch or Parental Control Device Installation, same trip	No Charge
Video Game, A/B switch or Parental Control Device Installation, separate trip	\$15.62
Converter Installation, separate trip	\$15.62
Remote control Installation, separate trip	\$10.47
Unnecessary Trip Charge	\$10.47
Install High Definition Television (HDTV) Equipment, same trip	No Charge
Install High Definition Television (HDTV) Equipment, separate trip	\$15.62
Relocation of Drop (Exterior only)	\$15.62
Addressable Change of Service	\$1.99
Hourly Service Charge	\$31.24

Other Rates

Repair Drop Cable Cut by Customer/Landscaper, etc.	\$20.94
Driveway/Sidewalk Bores (per foot)	\$10.00
Replacement or Cut Main Lines	Actual Cost

Equipment

Digital Converter Box (includes remote control)	\$4.95
High Definition Television Converter Box (includes remote control)	\$6.95
High Definition Television Smart Card	\$1.00
Analog Converter Box (includes remote control)	\$1.00